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By ECF

Hon. Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *New Yorkers For Religious Liberty, Inc. et al. v. The City of New York et al.*
Case No.: 22-cv-00752-DG-VMS

Dear Judge Scanlon:

We are the attorneys for the Plaintiffs in this matter. We write on behalf of all parties pursuant to the Court's order dated July 12, 2022, which directed the parties "to file a jointly proposed discovery schedule, or a joint status report letter with their respective positions on whether discovery should be stayed in whole or in part." All parties have opted to set forth their position with respect to a stay rather than to propose a schedule for discovery.

The City Defendants take the following position: In light of the Court's August 11, 2022 ruling (the "Order") on Plaintiffs' preliminary injunction motion that Plaintiffs are not likely to succeed on the merits, City Defendants will be filing a fully dispositive 12(b) motion. As such, City Defendants request a stay of all discovery until the resolution of City Defendants' anticipated motion.

Plaintiffs take the following position: Plaintiffs intend to file an expedited appeal of the Order, asking for a stay of further proceedings in the trial court pending appeal. Plaintiffs therefore join with the City Defendants in requesting a stay of discovery pending appeal.

Plaintiffs further request that the Court stay all further proceedings at the District Court level pending disposition of their appeal. A stay is particularly appropriate with respect to the City Defendants' proposed motion to dismiss. Plaintiffs' appeal will challenge the grounds set forth in the Order, which are likely the same grounds on which the City Defendants will seek to dismiss the case. A stay will promote judicial economy (and preserve the parties' resources) since it makes no sense to relitigate issues at the District Court level when the same issues are being argued on appeal in the same matter by the same parties in the Circuit Court.

Respectfully submitted,

/s/ Sujata S. Gibson
Counsel for Plaintiffs

/s/ Jonathan R. Nelson
Counsel for Plaintiffs

cc: Counsel of Record (via ECF)